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Providing for consideration of the bill (H.R. 2176) to provide for and approve the settlement of certain land claims of the Bay Mills Indian Community.

June 24, 2008. --Referred to the House Calendar and ordered to be printed

Mr. Hastings (FL), from the Committee on Rules  
submitted the following

REPORT

[To accompany H. Res. \_\_\_\_]

The Committee on Rules, having had under consideration House Resolution \_\_\_, by a non-record vote report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 2176, to provide for and approve the settlement of certain land claims of the Bay Mills Indian Community, under a closed rule providing one hour of debate in the House, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources, and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

The rule waives all points of order against consideration of the bill except for clauses 9 and 10 of rule XXI. In lieu of the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill, the amendment in the nature of a substitute printed in this report shall be considered as adopted. The rule waives all points of order against provisions of the bill, as amended, and provides that the bill, as amended, shall be considered as read. This waiver does not affect the point of order available under clause 9 of rule XXI (regarding earmark disclosure). The rule provides one motion to recommit with or without instructions. Finally, the rule provides that the Chair may postpone further consideration of the bill to a time designated by the Speaker.

EXPLANATION OF WAIVERS

Although the rule waives all points of order against consideration of the bill (except for clauses 9 and 10 of rule XXI) the Committee is not aware of any points of order. The waiver of all points of order is prophylactic. The waiver of all points of order against provisions of the bill, as amended, includes a waiver of clause 7 of rule XVI regarding germaneness.

## **SUMMARY OF AMENDMENT IN THE NATURE OF A SUBSTITUTE CONSIDERED AS ADOPTED**

The amendment in the nature of a substitute consists of the text of H.R. 2176, to provide for and approve the settlement of certain land claims of the Bay Mills Indian Community and the text of H.R. 4115, to provide for and approve the settlement of certain land claims of the Sault Ste. Marie Tribe of Chippewa Indians as reported by the Committee on Natural Resources on March 6, 2008.

**TEXT OF AMENDMENT IN THE NATURE OF A SUBSTITUTE  
CONSIDERED AS ADOPTED**

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 2176**

Strike all after the enacting clause and insert the  
following:

1       **TITLE I—BAY MILLS INDIAN**  
2                   **COMMUNITY**

3   **SEC. 101. DEFINITIONS.**

4       For the purposes of this title, the following defini-  
5   tions apply:

6           (1) **ALTERNATIVE LANDS.**—The term “alter-  
7       native lands” means those lands identified as alter-  
8       native lands in the Settlement of Land Claim.

9           (2) **CHARLOTTE BEACH LANDS.**—The term  
10       “Charlotte Beach lands” means those lands in the  
11       Charlotte Beach area of Michigan and described as  
12       follows: Government Lots 1, 2, 3, and 4 of Section  
13       7, T45N, R2E, and Lot 1 of Section 18, T45N,  
14       R2E, Chippewa County, State of Michigan.

15          (3) **COMMUNITY.**—The term “Community”  
16       means the Bay Mills Indian Community, a federally  
17       recognized Indian tribe.

1 (4) SETTLEMENT OF LAND CLAIM.—The term  
2 “Settlement of Land Claim” means the agreement  
3 between the Community and the Governor of the  
4 State of Michigan executed on August 23, 2002, and  
5 filed with the Office of Secretary of State of the  
6 State of Michigan, including the document titled  
7 “Addendum to Settlement of Land Claim”, executed  
8 by the parties on November 13, 2007.

9 (5) SECRETARY.—The term “Secretary” means  
10 the Secretary of the Interior.

11 **SEC. 102. ACCEPTANCE OF ALTERNATIVE LANDS AND EX-**  
12 **TINGUISHMENT OF CLAIMS.**

13 (a) LAND INTO TRUST; PART OF RESERVATION.—

14 (1) LAND INTO TRUST.—The Secretary shall  
15 take the alternative lands into trust for the benefit  
16 of the Community not later than 30 days after both  
17 of the following have occurred:

18 (A) The Secretary has received a title in-  
19 surance policy for the alternative lands that  
20 shows that the alternative lands are not subject  
21 to mortgages, liens, deeds of trust, options to  
22 purchase, or other security interests.

23 (B) The Secretary has confirmed that the  
24 National Environmental Policy Act of 1969 has

1           been complied with regarding the trust acqui-  
2           tion of the property.

3           (2) PART OF RESERVATION.—The alternative  
4           lands shall become part of the Community's reserva-  
5           tion immediately upon attaining trust status.

6           (b) GAMING.—The alternative lands shall be taken  
7           into trust as provided in this section as part of the settle-  
8           ment and extinguishment of the Community's Charlotte  
9           Beach land claims, and so shall be deemed lands obtained  
10          in settlement of a land claim within the meaning of section  
11          20(b)(1)(B)(i) of the Indian Gaming Regulatory Act (25  
12          U.S.C. 2719; Public Law 100-497).

13          (c) EXTINGUISHMENT OF CLAIMS.—Concurrent with  
14          the Secretary taking the alternative lands into trust under  
15          subsection (a), any and all claims by the Community to  
16          the Charlotte Beach lands or against the United States,  
17          the State of Michigan or any subdivision thereof, the Gov-  
18          ernor of the State of Michigan, or any other person or  
19          entity by the Community based on or relating to claims  
20          to the Charlotte Beach lands (including without limitation,  
21          claims for trespass damages, use, or occupancy), whether  
22          based on aboriginal or recognized title, are hereby extin-  
23          guished. The extinguishment of these claims is in consid-  
24          eration for the benefits to the Community under this Act.

1 **SEC. 103. EFFECTUATION AND RATIFICATION OF AGREE-**  
2 **MENT.**

3 (a) **RATIFICATION.**—The United States approves and  
4 ratifies the Settlement of Land Claim, except that the last  
5 sentence in section 10 of the Settlement of Land Claim  
6 is hereby deleted.

7 (b) **NOT PRECEDENT.**—The provisions contained in  
8 the Settlement of Land Claim are unique and shall not  
9 be considered precedent for any future agreement between  
10 any tribe and State.

11 (c) **ENFORCEMENT.**—The Settlement of Land Claim  
12 shall be enforceable by either the Community or the Gov-  
13 ernor according to its terms. Exclusive jurisdiction over  
14 any enforcement action is vested in the United States Dis-  
15 trict Court for the Western District of Michigan.

16 **TITLE II—SAULT STE. MARIE**  
17 **TRIBE OF CHIPPEWA INDIANS**

18 **SEC. 201. ACCEPTANCE OF ALTERNATIVE LANDS AND EX-**  
19 **TINGUISHMENT OF CLAIMS.**

20 (a) **DEFINITIONS.**—For the purposes of this title, the  
21 following definitions apply:

22 (1) **ALTERNATIVE LANDS.**—The term “alter-  
23 native lands” means those lands identified as alter-  
24 native lands in the Settlement of Land Claim.

25 (2) **CHARLOTTE BEACH LANDS.**—The term  
26 “Charlotte Beach lands” means those lands in the

1 Charlotte Beach area of Michigan and described as  
2 follows: Government Lots 1, 2, 3, and 4 of Section  
3 7, T45N, R2E, and Lot 1 of Section 18, T45N,  
4 R2E, Chippewa County, State of Michigan.

5 (3) SECRETARY.—The term “Secretary” means  
6 the Secretary of the Interior.

7 (4) SETTLEMENT OF LAND CLAIM.—The term  
8 “Settlement of Land Claim” means the agreement  
9 between the Tribe and the Governor of the State of  
10 Michigan executed on December 30, 2002, and filed  
11 with the Office of Secretary of State of the State of  
12 Michigan, including the document titled “Addendum  
13 to Settlement of Land Claim”, executed by the par-  
14 ties on November 14, 2007.

15 (5) TRIBE.—The term “Tribe” means the Sault  
16 Ste. Marie Tribe of Chippewa Indians, a federally  
17 recognized Indian tribe.

18 (b) LAND INTO TRUST; PART OF RESERVATION.—

19 (1) LAND INTO TRUST.—The Secretary shall  
20 take the alternative lands into trust for the benefit  
21 of the Tribe not later than 30 days after both of the  
22 following have occurred:

23 (A) The Secretary has received a title in-  
24 surance policy for the alternative lands that  
25 shows that the alternative lands are not subject



1 to mortgages, liens, deeds of trust, options to  
2 purchase, or other security interests.

3 (B) The Secretary has confirmed that the  
4 National Environmental Policy Act of 1969 has  
5 been complied with regarding the trust acqui-  
6 sition of the property.

7 (2) PART OF RESERVATION.—The alternative  
8 lands shall become part of the Tribe's reservation  
9 immediately upon attaining trust status.

10 (c) GAMING.—The alternative lands shall be taken  
11 into trust as provided in this section as part of the settle-  
12 ment and extinguishment of the Tribe's Charlotte Beach  
13 land claims, and so shall be deemed lands obtained in set-  
14 tlement of a land claim within the meaning of section  
15 20(b)(1)(B)(i) of the Indian Gaming Regulatory Act (25  
16 U.S.C. 2719(b)(1)(B)(i)).

17 (d) EXTINGUISHMENT OF CLAIMS.—In consideration  
18 for the benefits to the Tribe under this Act, any and all  
19 claims by the Tribe to the Charlotte Beach lands or  
20 against the United States, the State of Michigan or any  
21 subdivision thereof, the Governor of the State of Michigan,  
22 or any other person or entity by the Tribe based on or  
23 relating to claims to the Charlotte Beach lands (including  
24 without limitation, claims for trespass damages, use, or

1 occupancy), whether based on aboriginal or recognized  
2 title, are extinguished upon completion of the following:

3 (1) The Secretary having taken the alternative  
4 lands into trust for the benefit of the Tribe under  
5 subsection (b).

6 (2) Congressional acceptance of the extinguish-  
7 ment of any and all such claims to the Charlotte  
8 Beach lands by the Bay Mills Indian Community.

9 (e) EFFECTUATION AND RATIFICATION OF AGREE-  
10 MENT.—

11 (1) RATIFICATION.—The United States ap-  
12 proves and ratifies the Settlement of Land Claim.

13 (2) NOT PRECEDENT.—The provisions con-  
14 tained in the Settlement of Land Claim are unique  
15 and shall not be considered precedent for any future  
16 agreement between any Indian tribe and State.

17 (3) ENFORCEMENT.—The Settlement of Land  
18 Claim shall be enforceable by either the Tribe or the  
19 Governor according to its terms. Exclusive jurisdic-  
20 tion over any enforcement action is vested in the  
21 United States District Court for the Western Dis-  
22 trict of Michigan.

Amend the title so as to read: “A bill to provide for  
and approve the settlement of certain land claims of the

Bay Mills Indian Community and the Sault Ste. Marie  
Tribe of Chippewa Indians.”.



**110<sup>th</sup> Congress**

**2<sup>nd</sup> Session**

**H. RES. \_\_\_\_**  
\_\_\_\_\_

Providing for consideration of the bill (H.R. 2176) to provide for and approve the settlement of certain land claims of the Bay Mills Indian Community.

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**IN THE HOUSE OF REPRESENTATIVES**

June 24, 2008

Mr. Hastings (FL), from the Committee on Rules, reported the following resolution which was referred to the House Calendar and ordered to be printed.

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**RESOLUTION**

Providing for consideration of the bill (H.R. 2176) to provide for and approve the settlement of certain land claims of the Bay Mills Indian Community.

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2176) to provide for and approve the settlement of certain land claims of the Bay Mills Indian Community. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. In lieu of the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill, the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; and (2) one motion to recommit with or without instructions.

Sec. 2. During consideration of H.R. 2176 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.